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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Richard A. Han

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EXAMINER

MOORTHY, ARAVIND K

ART UNIT

PAPER NUMBER

2131

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/691,216	Applicant(s) HAN ET AL.	
	Examiner Aravind K. Moorthy	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the amendment filed on 28 April 2008.
2. Claims 1-10 and 12-20 are pending in the application.
3. Claims 1-10 and 12-20 have been rejected.
4. Claim 11 has been cancelled.

Response to Arguments

5. Applicant's arguments with respect to claims 1-10 and 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-10 and 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hauck et al U.S. Patent No. 7,249,262 B2 (hereinafter Hauck).

As to claim 1, Hauck discloses a system for a licensee to control access to or distribution of software and/or data among a plurality of client nodes, the system comprising:

means for storing software and/or data that is to be made available to pre-determined licensed client nodes (i.e. A small " client-side" software application, or client tray application, must be installed and run on each client machine that is

to have access to protected Web pages maintained by server 16 before such client machine can access protected Web content) [column 5 line 65 to column 6 line 2], each client node of the plurality of client nodes (i.e. client #1, client #2 and client #3 in figure 1) being a data processing device for which access to specified software or data may be allowed if licensed (i.e. a given client machine can be authorized to access two or more different subscription services) [column 6, lines 32-35], and for storing a list of identifiers for licensed client nodes, each identifier uniquely identifying one of the predetermined nodes (i.e. the temporary storage table application software is multi-thread capable and maintains a list of temporarily authorized clients) [column 10, lines 28-30], the presence of each identifier on the list authorizing the predetermined client node associated with the identifier to be allowed access to the software and/or data (i.e. Each protected Web site (or each protected "content cluster" of each Web site) has a unique dynamic link library (DLL) associated therewith. This DLL is sometimes referred to herein as a "client machine key", and it is this DLL that generates the machine-specific identifier for the user's client machine. This client machine key DLL provides a virtually unique client machine identifier, and includes an algorithm for ensuring that the user enters a password uniquely corresponding to the unique client machine identifier before access to protected data is granted) [column 7, lines 23-32]; and

a client application at each client node, the client application performing authentication taking place at the client node, authentication being accomplished

by comparing the client identifier for the node against the list and allowing or rejecting access to the software and/or data by the client node at which the client application resides based on evaluation by the client application at the client node as to whether the identifier of the client node appears in the list (As discussed above, Each protected Web site (or each protected "content cluster" of each Web site) has a unique dynamic link library (DLL) associated therewith. This DLL is sometimes referred to herein as a "client machine key", and it is this DLL that generates the machine-specific identifier for the user's client machine. This client machine key DLL provides a virtually unique client machine identifier, and includes an algorithm for ensuring that the user enters a password uniquely corresponding to the unique client machine identifier before access to protected data is granted) [column 7, lines 23-32].

As to claim 2, Hauck discloses that the means for storing the software and/or data and the list of unique client identifiers is portable [column 6, lines 15-21].

As to claim 3, Hauck discloses that the means for storing the software and/or data and the list of unique client identifiers comprises a compact disc [column 6, lines 15-21].

As to claim 4, Hauck discloses that the means for storing the software and/or data and the list of unique client identifiers comprises a floppy disc [column 6, lines 15-21].

As to claim 5, Hauck discloses that the client nodes are part of a communications network [column 5, lines 16-20].

As to claim 6, Hauck discloses that the means for storing is provided in a shared information storage area of a server that can be remotely accessed by at least some or all of the client nodes [column 5, lines 16-20].

As to claims 7, 14 and 17, Hauck discloses that the client application is operable to generate a unique identifier for the client node on which the client application resides and compare this with the unique identifiers on the authorized list, thereby to identify whether the unique identifier for that node is on the list [column 7, lines 23-32].

As to claims 8, 12, 15 and 18, Hauck discloses that the client executes a license management program which uses node specific data to generate the unique identifier [column 7 line 53 to column 8 line 13].

As to claim 9, Hauck discloses a method for a license to control access to or distribution of software and/or data among a plurality of client nodes, the method comprising:

storing in association with the software and/or data, a list of unique identifiers for licensed client nodes, each of which uniquely identifies one of the nodes authorized to be allowed access to the software and/or data (i.e. Each protected Web site (or each protected "content cluster" of each Web site) has a unique dynamic link library (DLL) associated therewith. This DLL is sometimes referred to herein as a "client machine key", and it is this DLL that generates the machine-specific identifier for the user's client machine. This client machine key DLL provides a virtually unique client machine identifier, and includes an algorithm for ensuring that the user enters a password uniquely corresponding to

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the unique client machine identifier before access to protected data is granted) [column 7, lines 23-32];

identifying at each node whether a unique identifier for a particular node is included on the list [column 7, lines 23-32]; and

controlling the operation of each node so that the list is examined at each node and the unique identifier is compared against the list, and loading, installation, or use of the software and/or data is allowed or rejected based on the comparison at the client node of the unique identifier against the list [column 7, lines 23-32].

As to claim 10, Hauck discloses a program storage device, readable by a machine, having encoded thereon instructions executable by the machine for:

executing a license management program to establish a unique identifier associated with the machine executing the instructions (i.e. Each protected Web site (or each protected "content cluster" of each Web site) has a unique dynamic link library (DLL) associated therewith. This DLL is sometimes referred to herein as a "client machine key", and it is this DLL that generates the machine-specific identifier for the user's client machine. This client machine key DLL provides a virtually unique client machine identifier, and includes an algorithm for ensuring that the user enters a password uniquely corresponding to the unique client machine identifier before access to protected data is granted) [column 7, lines 23-32];

reading a list of unique identifiers associated with specified software and/or data, each unique identifier being uniquely associated with one of a plurality of machines and establishing its associated machine as licensed for the specified software and/or data [column 7, lines 23-32]; and

controlling the operation of a client node comprising the machine executing the instructions so as to allow or reject access by the machine to the software and/or data based on a comparison taking place at the client node of the unique identifier for the client node against the list of unique identifiers [column 7, lines 23-32].

As to claim 13, Hauck discloses a data processing device serving as a client node comprising:

means for reading a list of unique identifiers associated with software and/or data, each unique identifier being uniquely associated with one of a plurality of client nodes or terminals licensed to use the software and/or data (i.e. Each protected Web site (or each protected "content cluster" of each Web site) has a unique dynamic link library (DLL) associated therewith. This DLL is sometimes referred to herein as a "client machine key", and it is this DLL that generates the machine-specific identifier for the user's client machine. This client machine key DLL provides a virtually unique client machine identifier, and includes an algorithm for ensuring that the user enters a password uniquely corresponding to the unique client machine identifier before access to protected data is granted) [column 7, lines 23-32]; and

means for controlling the operation of the data processing device so that the data processing device examines its own unique identifier and the list of unique identifiers and allows or rejects loading, installation, or use of the software and/or data based on a comparison taking place at the data processing device of its own unique identifier against the list of unique identifiers [column 7, lines 23-32].

As to claim 16, Hauck discloses a self-service terminal comprising:

means for reading a list of unique identifiers associated with software and/or data, each unique identifier being uniquely associated with one of a plurality of self-service terminals licensed to use the associated software and/or data (i.e. Each protected Web site (or each protected "content cluster" of each Web site) has a unique dynamic link library (DLL) associated therewith. This DLL is sometimes referred to herein as a "client machine key", and it is this DLL that generates the machine-specific identifier for the user's client machine. This client machine key DLL provides a virtually unique client machine identifier, and includes an algorithm for ensuring that the user enters a password uniquely corresponding to the unique client machine identifier before access to protected data is granted) [column 7, lines 23-32]; and

means for controlling the operation of the self-service terminal so that the self-service terminal examines a unique identifier associated with the self-service terminal and the list of unique identifiers and allows or rejects loading, installation, or use of the software and/or data based on a comparison taking place

at the self-service terminal of the unique identifier of the self-service terminal against the list of unique identifiers [column 7, lines 23-32].

As to claim 19, Hauck discloses that the self-service terminal is an automated teller machine in a network comprising a plurality of automated teller machines operated by a common operator licensed to utilize the associated software and/or data [column 5, lines 20-24].

As to claim 20, Hauck discloses that the automated teller machine executes license management software to generate its associated identifier (i.e. The client machine key DLL (typically generated by the Web site administrator using SoftSentry software) analyzes hardware characteristics of a particular local computer, or client machine (including hard drive characteristics, RAM characteristics, input/output device parameters and other hardware specific details), and thereby generates an integer value, or machine-specific identifier that is virtually unique for a given client machine. The client machine key DLL then performs an algorithm to calculate a password, based upon the machine-specific identifier, valid only for a client machine having the same virtually unique system identifier. As a result, even if the client tray application (and/or client machine key DLL) is copied by a user to a second client machine, the client machine key DLL on the second client machine will report a new machine-specific identifier that is almost certainly different from the machine-specific identifier that was generated by the user's first client machine) [column 7 line 53 to column 8 line 13]. Hauck discloses that the list of unique identifiers licensed to utilize the associated software and/or data is generated at a remote server which communicates with the automated teller machine over the network [column 7 line 53 to column 8 line 13].

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aravind K Moorthy/
Examiner, Art Unit 2131
/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2131